

Serial No.: 10/627,167

Atty. Docket No.: JG-FN-5171/501517.20001

**REMARKS**

This response addresses the issues raised by the Examiner in the Office Action mailed October 22, 2004. Initially, Applicants would like to thank the Examiner for the careful consideration given in this case. Claims 7-8, 10-11 and 16 have been currently amended. Accordingly, Claims 1-16 are pending in this case all to more clearly and distinctly claim Applicants' invention. Applicants respectfully request entry of the amendments as they place the application in condition for allowance or in better condition for possible appeal.

**Rejection Under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejects Claims 7-8, 11, 14 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner states that Claims 7 and 8 are unclear as to where the pumps are located with respect to other elements. The Examiner also points out that Claim 11 is a method claims that depends improperly on apparatus Claim 1. The Examiner states that it appears that dependency on Claim 10 was intended. The Examiner then points out that Claim 16 lacks antecedent basis for the plurality of enclosures. The Examiner further states that it appears that dependency on Claim 12 was intended. Applicant respectfully traverses this rejection.

In order to expedite prosecution, Applicant has amended Claims 7 and 8 to include that the suction source is a powered pump located downstream from the enclosure to augment the natural current flow and to drive the water through the enclosure. Support for this, for example, may be found in the specification at paragraphs [0047] and [0055]. Applicant has also amended Claims 11 and 16 as the Examiner suggests. No new matter has been added. Applicants submit that the claims as amended overcome the Examiner rejections under 35 U.S.C. § 112, second paragraph.

**Rejection Under 35 U.S.C. § 112, First Paragraph**

The Examiner rejects Claims 3, 7-8 and 15 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the specification does not describe the pump described in Claims 7 and 8. In addition, the

Examiner states that it is unclear as to whether the second chute of Claims 3 and 15 is described in the specification. The Examiner further states that although the specification describes a chute top piece (26), this is described as forming the top of the chute not a second chute. Applicant respectfully traverses this rejection.

Applicant respectfully disagrees with the Examiner. The enclosure is connected to an external suction source such as a tube connected to a remote pump located on the river bank. See paragraph [0047]. Paragraph [0055] also describes a typical pump that could be used to remove polluted material in the present invention. Thus, the pump is clearly described in the specification.

In regards to the second chute, the second chute refers to opening 30 which is between chute top 24b and the inner cavity wall of the enclosure. Applicant has amended the specification to reflect that opening 30 may also be called a second chute 30. Accordingly, the Examiner's rejection is rendered moot. Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

#### **Drawings**

The Examiner has objected to the drawings because the pumps of Claims 7 and 8, the second chute of Claim 3 and second chute opening of Claim 15 must be shown or the features canceled from the claims. Applicants have added the pump of Claims 7 and 8 to Figure 2. The opening or second chute 30 of Claims 3 and 15 is shown in Figure 2. Support is found in the specification and claims as originally filed. No new matter has been added. Thus, this objection is rendered moot. Withdrawal of the present objection is respectfully requested.

#### **Allowable Subject Matter**

Applicant thanks the Examiner for indicating that Claims 1, 2, 4-6, 9, 10 12 and 13 are allowable over the prior art of record. In addition, Applicant thanks the Examiner for indicating that Claims 3, 7, 8, 11 and 14-16 are allowable if rewritten or amended to overcome the rejection under 36 U.S.C. §112, second paragraph.

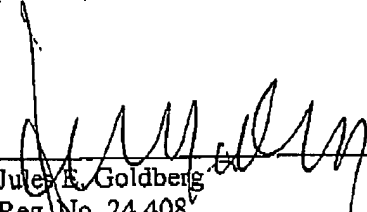
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In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

Dated: January 25, 2005

By

  
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